


CITY OF SAN DIEGO
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COUNCILMEMBER
DONNA FRYE

DATE: December 20, 2004

TO: Donna Frye, Councilmember
via P. Lamont Ewell, City Manager 

FROM: William M. Lansdowne, Chief of Police

SUBJECT: Police Department Policies

This memorandum is in response to Councilmember Frye's request dated December 16, 2004, in which she requested that we provide the San Diego Police Department (SDPD) policy concerning the exercise of authority when a police officer is acting not in an official capacity, but as a member of an outside board or commission, such as the San Diego City Employees Retirement System (SDCERS) Board.

Peace officer authority is codified in the California Penal Code Sections 830-832 et seq. A person who qualifies as a peace officer possesses these enumerated powers whether on or off duty anywhere in the State of California. A peace officer (both on and off duty) is generally under no legal obligation to take action as a peace officer to protect life and property. However, most police departments, including the SDPD, do require as a matter of policy that officers take appropriate action to protect life and property. This policy is contained in SDPD Department Procedure 9.01 (General Duties Policy) which states in part:

Officers *on duty* shall at all times, lawfully protect life and property, detect and arrest violators of the law, prevent crime, preserve the public peace and enforce the laws of the State of California and the ordinances of the City of San Diego.

When *off duty* and within the corporate limits of the City of San Diego, officers shall take appropriate action to protect life and property, preserve the public peace, prevent crime and cause the apprehension of violators of criminal laws.

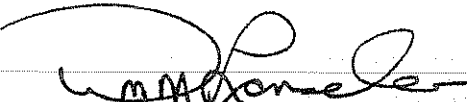
A peace officer who is acting as a member of an outside board or commission, such as the SDCERS Board, would be considered "off-duty" and therefore all "off-duty" policies apply including but not limited to the policy stated above.

Although not specifically requested, I think it is important to explain and clarify the events of November 19, 2004, concerning the SDCERS Board meeting, as there has been a great deal of misinformation disseminated. My understanding of what occurred that day is as follows: A Central Division Lieutenant received information from a member of the

SDCERS board that there might be a need to have officers present at the SDCERS Board meeting that day. Board members expressed concern that one of the members of the Board was going to be excluded from a closed session meeting pursuant to the Board's rules, and that this Board member might refuse to leave the meeting.

Upon receiving this information, the Lieutenant immediately contacted his Captain, as well as Assistant Chief Lou Scanlon and Police Legal Advisor Paul Cooper. At that point, a decision was made to not have any officers respond to the SDCERS board meeting unless the SDPD received a specific disturbance call. It was also decided that the SDPD would not be involved in interpreting the SDCERS Board's rules. The only appropriate response from the SDPD, should it have become necessary, would be to respond to a legitimate disturbance call or if necessary, to accept a citizen's arrest, as required by law. The situation was handled pursuant to existing Department policies and procedures.

I also think it is important to clarify that SDCERS Board member Charles Hogquist, who also is a Lieutenant with the SDPD, had no role in the SDPD's decision-making process concerning how to handle the SDCERS Board's anticipated problem. The SDPD was not part of the SDCERS Board's alleged discussion concerning a coordinated effort to arrest one of its Board members. However, it is the standard operating procedure of the SDPD, that a uniformed on-duty officer should be the first responder to any incident. Therefore, if a Board member has information that a potential incident may occur that might result in the need for officer assistance, it would be appropriate for them to inform the SDPD so it could plan accordingly.



William M. Lansdowne
Chief of Police

WL:pc